

DEC. 14. 2005 5:54PM

(1) FISH & RICHARDSON 6175428906

NO. 1020 P. 16

Attorney's Docket No.: 01194-465001 / 03-347

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lanphere et al.
Serial No. : 10/637,130
Filed : August 8, 2003
Title : EMBOLIZATION

Art Unit : 1773
Examiner : Hoa T. Le

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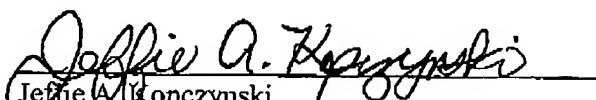
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Commissioner for Patents
P.O. Box 1450
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TRANSMITTAL OF TERMINAL DISCLAIMER

Transmitted herewith is a Terminal Disclaimer Under 37 CFR §§3.73(b) and 1.321(b).
Please apply the required fee of \$130 pursuant to 37 CFR §1.20(d), as well as any other charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: December 14, 2005


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I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

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TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

The present application is a continuation-in-part application of U.S. Patent Application Serial No. 10/215,594, filed August 9, 2002, and U.S. Patent Application Serial No. 10/615,276, filed July 8, 2003, both of which are currently pending.

Pursuant to 37 CFR §3.73(b), BOSTON SCIENTIFIC SCIMED, INC., a corporation, certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment from the inventors of the patent application referenced above (recorded in the Patent and Trademark Office at Reel 014829, Frame 0968 on December 24, 2003), and by virtue of EXHIBIT AA (attached). EXHIBIT AA includes the Articles of Merger of Boston Scientific Scimed, Inc. with and into Scimed Life Systems, Inc. (the "Articles of Merger"). Pursuant to the Articles of Merger, Boston Scientific Scimed, Inc. merged with and into Scimed Life Systems, Inc., with Scimed Life Systems, Inc. being the surviving corporation. The name of the surviving corporation was then changed to Boston Scientific Scimed, Inc.

The undersigned has reviewed all of the documents in the chain of title of the above-referenced application and to the best of the undersigned's knowledge and belief, title is in BOSTON SCIENTIFIC SCIMED, INC.

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The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee referenced above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted on the above-referenced application subsequent to the expiration date of the patent to be granted on U.S. Application Serial No. 10/215,594, whereby the patent to be granted on the above-referenced application and the patent to be granted on U.S. Application Serial No. 10/215,594 will expire on the same day, provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with the patent to be granted on U.S. Application Serial No. 10/215,594.

The assignee referenced above does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of the patent to be granted on U.S. Application Serial No. 10/215,594 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of the patent to be granted on U.S. Application Serial No. 10/215,594.

This disclaimer runs with any patent granted on the above-referenced application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

BOSTON SCIENTIFIC SCIMED, INC.

Date: December 14, 2005

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